

Johnson+Johnson

OT16 Rec'd PCT/PTO 27 JUN 2003

#14

ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, N.J. 08933-

Laura Donnelly
Senior Patent Counsel
Legal Dept. WH-6123
(732) 524-1729 (direct)
(732) 524-2143 (facsimile)
Ldonnel2@corus.jnj.com

June 27, 2003

VIA EXPRESS MAIL

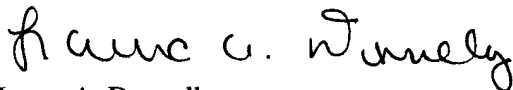
Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Mail Stop PCT
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Reconsideration of Decision on Petition and
Renewed Petition Under 37 C.F.R. 1.137(b) for
Application Ser. No.: 10/019,337
International Filing Date: March 26, 2000
Title: NEUTROTROPHIC FACTOR RECEPTOR
Inventor(s): MASURE et al.
Our Ref.: JAB-1512

Dear Mr. Putonen,

Enclosed is a Request for Reconsideration of Decision on Petition and a Renewed Petition. I believe that all of the requirements for the Petition for Revival of Patent Application Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) have now been met. Should you have any questions or require additional information, please contact me at the telephone number listed above.

Sincerely,



Laura A. Donnelly
Registration No. 38,435

Enclosures

RECEIVED

09 JUL 2003

Legal Staff
International Division



JANSSEN
PHARMACEUTICA

LABORATOIRES JANSSEN

PROXY

Laura Anne Donnelly and Linda S. Evans are hereby granted the power to appoint, retain and dismiss patent agents or patent attorneys to represent Janssen Pharmaceutica N.V. and to direct or instruct such patent agents or patent attorneys to file, register and prosecute applications for patents, inventors certificates, and the like in the name of Janssen Pharmaceutica N.V. in patent offices and before multinational patent authorities, as well as, the power to direct such agents and attorneys to file papers for patent term extensions, renewals, correction and reissue of said patents in the name of and for the benefit of Janssen Pharmaceutica N.V.

Dirk Collier
Board Member

René Hex
Board Member

Date : June 4, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : MASURE et al.
Serial No. : 10/019,337 Art Unit: Unassigned
Filed : I.A. March 26, 2000 Examiner: Unassigned
For : NEUROTROPHIC FACTOR RECEPTOR

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, Washington, D.C. 20231 on

0127103

(Date)

Lausa A. Donnelly

Name of applicant, assignee, or Registered Representative

Lausa A. Donnelly

(Signature)

0127103

(Date of Signature)

Commissioner for Patents
Washington, D.C. 20231

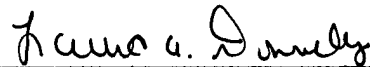
REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

Dear Sir:

In response to the Decision on Petition, dated May 7, 2003, and its accompanying CRF Problem Report, enclosed herewith is a computer readable Sequence Listing and the required Verification Statement Under 37 C.F.R. 1.821(f). As indicated in the CRF Problem Report (copy attached hereto), although Applicants originally provided a computer readable Sequence Listing, the copy provided was "Damaged" and therefore unreadable. Applicants respectfully

submit that all of the requirements for the Petition for Revival of Patent Application Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), originally submitted on January 21, 2003, have now been met. Namely, as acknowledged in the Decision on Petition, the Petition fee has been satisfied; and the requirement that Applicants and/or Applicants' representative attest that the delay was "unintentional" has been satisfied. A Renewed Petition Under 37 C.F.R. § 1.137(b) is attached hereto in response to the Office's request. Reconsideration and withdrawal of the Decision on Petition are respectfully requested.

Respectfully Submitted,



Laura A. Donnelly
Registration No. 38,435

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1729 (direct)
(732) 524-2134 (facsimile)

Dated: 6/27/03

Enclosures:

Computer Readable Sequence Listing
Verification Statement Under 37 C.F.R. 1.821(f)
CRF Problem Report (copy)
Renewed Petition Under 37 C.F.R. § 1.137(b)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MASURE et al.

Serial No.: 10/019,337

Art Unit: Unassigned

Filed: I.A. March 26, 2000

Examiner: Unassigned

For: NEUROTROPHIC FACTOR RECEPTOR

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, Washington, D.C. 20231 on

6127103

(Date)

Laura A. Donnelly

Name of applicant, assignee, or Registered Representative

Laura A. Donnelly

(Signature)

6127103

(Date of Signature)

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

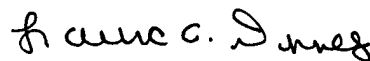
RENEWED PETITION UNDER 37 C.F.R. 1.137(b)

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent Office on October 6, 2002. Applicants submitted a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) on January 31, 2003 ("January 31, 2003 Petition"). Along with the January

31, 2003 Petition, Applicants submitted (1) the Petition fee; (2) a reply; and (3) a statement that the entire delay was unintentional. A Decision on Petition ("Decision") was mailed to Applicants on May 7, 2003. The Decision indicated that the Petition fee and the requirement that Applicants and/or Applicants' representative attest that the delay was "unintentional" had been satisfied. The Decision indicated however that the reply was incomplete because although Applicants' reply included a computer readable copy of the Sequence Listing, the copy provided was "Damaged" and therefore unreadable (see accompanying CRF Problem Report). Applicants submit a Request for Reconsideration of Decision of Petition herewith to provide a computer readable copy of the Sequence Listing. Applicants thus renew the Petition Under 37 C.F.R. 1.137(b) to revive this unintentionally abandoned application. Should the Office have any questions or require additional information, please contact Applicants' representative at the telephone number listed below.

Respectfully Submitted,



Laura A. Donnelly
Registration No. 38,435

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1729 (direct)
(732) 524-2134 (facsimile)
Dated: 6/27/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MASURE et al.

For: NEUROTROPHIC FACTOR RECEPTOR

Filed: I.A. March 26, 2000

Serial No: 10/019,337

VERIFIED STATEMENT UNDER 37 CFR §1.821(f)

I hereby verify that the computer readable diskette and paper copy enclosed herewith includes the same information as provided in the Sequence Listing of the subject application, and that this statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,



Laura A. Donnelly
Registration No. 38,435

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1729 (direct)
(732) 524-2134 (facsimile)

Dated: 6/27/03

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Hoefnagel, Evert

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Pro Ser Cys Leu Lys Pro Leu Asp Arg Cys Glu Arg Ser Arg Arg Cys
130 135 140
Arg Pro Arg Leu Phe Ala Phe Gln Ala Ser Cys Ala Pro Ala Pro Gly
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Ser Arg Asp Gly Cys Pro Glu Glu Gly Gly Pro Arg Cys Leu Arg Ala
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Tyr Ala Gly Leu Val Gly Thr Val Val Thr Pro Asn Tyr Leu Asp Asn
180 185 190
Val Ser Ala Arg Val Ala Pro Trp Cys Gly Cys Glu Ala Ser Gly Asn
195 200 205
Arg Arg Glu Glu Cys Glu Ala Phe Arg Lys Leu Phe Thr Arg Asn Pro
210 215 220
Cys Leu Asp Gly Ala Ile Gln Ala Phe Asp Ser Ser Gln Pro Ser Val
225 230 235 240
Leu Gln Asp Gln Trp Asn Pro Tyr Gln Asn Ala Gly Cys Cys Phe Leu
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65 70 75 80
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Arg Arg Glu Glu Cys Glu Ala Phe Arg Lys Leu Phe Thr Arg Asn Pro
210 215 220
Cys Leu Asp Gly Ala Ile Gln Ala Phe Asp Ser Ser Gln Pro Ser Val
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07 MAY 2003

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ALEXANDRIA, VA 22304-6100

Myra H. McCormack
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

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MAY 13 2003

In re Application of
MASURE, et al.

U.S. Application No.: 10/019,337

PCT No.: PCT/EP00/04918

Int. Filing Date: 26 March 2000

Priority Date: 29 June 1999

Attorney Docket No.: JAB-1512

For: NEUROTROPHIC FACTOR RECEPTOR

J&J PAT. DEPT. SECTION

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival of patent Application Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 29 March 2002. Applicant included authorization to charge the \$1300.00 petition fee to Deposit Account No.: 10-0750.

BACKGROUND

On 26 March 2000, applicant filed international application PCT/EP00/04918, which claimed priority of an earlier application filed 29 June 1999. A Demand for international preliminary examination, in which the United States was elected was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2001.

On 19 December 2001, applicant filed the present ^{application} petition accompanied by a check in the amount of \$1280.00; a transmittal letter for entering the U.S. national stage under 35 U.S.C. 371; payment of the U.S. basic national fee; a First preliminary amendment; a copy of the published international application; an executed oath or declaration of the inventors; an assignment document for recording; a sequence disk and a sequence listing.

On 06 March 2002, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a nucleotide and/or amino acid sequence disclosure in compliance with 37 CFR 1.821-1.825. Applicant was afforded two months to file the response.

On 17 April 2002, applicant responded with an amendment to the specification; applicant did not include a computer readable diskette version of the sequence listing.

On 28 June 2002, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) informing applicant that the sequence listing filed 17 April 2002 did not comply 37 CFR 1.821-1.825 and thus was not a proper response.

DATE: 5/15/03
SIGNED: CEIL SURMAN

Application No.: 10/019,337

PCT/DO/EO/905 mailed 06 March 2002. Applicant was afforded one month from the mailing of the Form PCT/DO/EO/916 or within the time remaining in the response set forth in the Form PCT/DO/EO/905, whichever was longer.

On 30 December 2002, applicant filed a petition for an extension of time and response to the notice of a defective response.

On 15 January 2003, applicant was mailed a communication and notice of abandonment informing applicant that the above-identified application was abandoned on 06 October 2002 for failure to respond to the Form PCT/DO/EO/916 within the time period prescribed therein and advised to file a petition for revival.

On 21 January 2003, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909).

On 06 February 2003, applicant filed the present petition to revive pursuant to 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

With regard to Item (2), applicant included authorization to charge the \$1300.00 petition fee to Deposit Account No.: 10-0750.

As to Item (3), applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies Item (3).

With regard to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

Thus, applicant has satisfied Items (2) - (4) above.

However, with regard to Item (1), the proper response was the required sequence listing pursuant to 37 CFR 1.821-1.825. The computer readable form accompanying the present petition was not readable. (See attached copy of CRF Problem Report.) Accordingly, the proper reply has not been furnished.

Application No.: 10/019,337

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For the reasons stated above, the petition for revival cannot be granted at this time and the application remains abandoned.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.137(b) is **DISMISSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459